

DANIEL J. BRODERICK, Bar #89424
Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700
Telecopier: (916) 498-5710

OK/HAV

Attorney for Defendant
JOSEPH McELROY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	NO. CR S-05-167-DFL
)	
Plaintiff,)	
)	STIPULATION CONTINUING STATUS
v.)	CONFERENCE AND EXCLUDING TIME;
)	ORDER
JOSEPH McELROY,)	
)	Date: December 14, 2006
Defendant.)	Time: 10:00 a.m.
)	Judge: Hon. David F. Levi
_____)	

A status conference in this matter is currently scheduled for November 30, 2006. Plaintiff United States of America and Defendant JOSEPH McELROY, through their respective attorneys, hereby stipulate and agree to continue the status conference until December 14, 2006 at 10:00 a.m.

The investigation of this case is ongoing. The defense needs additional time to complete this investigation. In addition, the attorney for the government and Mr. McElroy's attorney are engaged in discussions attempting to resolve this case.

The parties further stipulate and agree that the time period from today, November 27, 2006, to December 14, 2006 be excluded under the

Speedy Trial Act, 18 U.S.C. §3161(h) (8) (B) (iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Dated: November 27, 2006

Respectfully submitted,

/s/ Daniel J. Broderick
DANIEL J. BRODERICK
Federal Defender
Attorney for Defendant
JOSEPH MCELROY

Dated: November 27, 2006

McGREGOR W. SCOTT
United States Attorney

/s/ Kenneth J. Melikian
KENNETH J. MELIKIAN
Assistant U.S. Attorney
Attorney for Plaintiff

O R D E R

IT IS HEREBY ORDERED that the status conference in this case, currently scheduled for November 30, 2006, shall be continued to December 14, 2006 at 10:00 a.m. IT IS FURTHER ORDERED that, for the reasons stated in the stipulation, the time period from November 27, 2006 to December 14, 2006, be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h) (8) (B) (iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Dated: November 28, 2006

/s/ David F. Levi
DAVID F. LEVI
United States District Judge